



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

October 12, 2004

Sharp

Mayor Lowry called the meeting to order at 7:30 pm.

**PRESENT:** Mayor Chuck Lowry, Councilmembers Betty Heckendorn, Tom Robinson, Aaron Sharp.

**EXCUSED:** Councilmembers John Rose and Judee Wells.

**STAFF:** Clerk-Treasurer Sue Ann Spens, Water Department Supervisor Bob Durr, Town Marshal Kyle Branum.

**GUESTS:** None.

**MINUTES:** Councilmember Sharp moved to approve the September 14, 2004 minutes as amended. Councilmember Robinson seconded.

Vote: 2 For (Sharp, Robinson), 0 Against, 1 Abstain (Heckendorn). Motion carried.

**CLERK'S REPORT:** Clerk-Treasurer Spens reported that Steve Eulau wishes to change his address from 2831 – 105<sup>th</sup> Ave SE to 10410 SE 29<sup>th</sup> Street as his is a corner lot and the change will allow him to orient his new home toward SE 29<sup>th</sup> Street rather than the arterial (105<sup>th</sup> Ave SE).

**MOTION:** Councilmember Heckendorn moved to approve Mr. Eulau's address change from 2831 – 105<sup>th</sup> Ave SE to 10410 SE 29<sup>th</sup> Street. Councilmember Robinson seconded.

Vote: 3 For, 0 Against, 0 Abstain.

**ONE-CALL NOTIFICATION SYSTEM:** Clerk-Treasurer Spens reported that she received correspondence from the Washington Utilities Coordinating Council regarding the Water Department's participation in the One-Call Notification System. She added state statute (RCW 19.122.030,2) makes participation in this service mandatory for all owners of underground utility systems and that the cost of notification is nominal, about \$1.10 per notice. She then asked Bob Durr, Water Department Supervisor, for his input. Mr. Durr responded that the Town must and should participate and that Bill Beck will be the person contacted to field locate water lines when needed. Clerk-Treasurer Spens will review the paperwork and contact Mr. Durr if she needs information to complete the application.

**FRANCHISE WITH EASTSIDE DISPOSAL:** Clerk-Treasurer Spens reminded the Council that Councilmember Robinson had asked about the Town's franchise with Eastside Disposal, particularly as it applies to yard-waste containers. She explained that the existing franchise is not definitive in describing the containers to be supplied and asked how the Council wishes to proceed. Bob Durr mentioned that he has a contact at Waste Management, one of Eastside Disposal's competitors, with whom he will discuss how best to negotiate a new franchise. Clerk-Treasurer Spens will then contact the City of Bellevue for hints on how best to try to

renegotiate our franchise to be in line with theirs, as Councilmember Robinson and Mr. Durr feel that Bellevue's existing franchise may be more in line with our needs.

**WARRANTS:** Councilmember Heckendorn moved to approve the October 12, 2004 warrant list, including warrant numbers 6519 through 6543 in the amount of \$15,735.68.

Councilmember Robinson seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

**MARSHAL'S REPORT:** Marshal Branum reported a theft problem on a boat moored at the C Dock and mentioned that he would like to ask WABA to install motion-sensing lights on the docks. It was the consensus of the Council that Marshal Branum should contact WABA directly and propose this change.

**WABA REPORT:** No WABA representative attended the meeting.

**WATER REPORT:** Water Department Supervisor Durr reported that the Town was on Bellevue water again for about two weeks because of continuing problems with the water tank's internal float switch. He noted that the problem should be resolved soon when the float has been rebuilt. He added that being on Bellevue water has pushed enough chlorinated water through the lines that the smell some residents experience has been eliminated.

Mr. Durr also reported that the new wellhead pump would be installed on Friday.

**EMERGENCY PREPAREDNESS:** Councilmember Robinson reported that he plans to contact Barb Graff, Bellevue Fire Department, to arrange for our participation under the umbrella of the city of Bellevue's Emergency Response Plan. He added that his idea is to produce a draft skeletal plan that is specific to Beaux Arts Village but recognizes the Bellevue Fire Department is our first-response agency. He elaborated that he envisions a committee chaired by him and consisting of non-Council members to assess risks within the Town and brainstorm ways to mitigate them. He noted that other than storm damage our #1 risk these days has been fire danger in late summer and early fall because of the dry summer conditions in recent years.

**PUBLIC HEARING: PROPOSED ORDINANCE NO. 326 ADOPTING AN UPDATED COMPREHENSIVE PLAN:** Mayor Lowry opened the public hearing at 8:00 pm and asked Councilmembers to work through their proposed changes page by page.

The Council completed its review through page 8 suggesting changes that are either wordsmithing or housekeeping, neither of which must be run by the Planning Commission prior to adoption of the plan. Councilmember Sharp stated that he has strong concerns about the land-use map and the way in which said map depicts the private WABA beach as a park. He also noted that WABA's property actually extends into areas that are shown as street rights-of-way bordering the beach property.

Clerk-Treasurer Spens recorded the proposed changes on her copy of the draft Plan and will forward it, when the Council's review is complete, to Town Planner Mona Green. She will

also discuss changes to the map and present Ms. Green's comments to the Council prior to or at next month's Council meeting.

It was the consensus of the Council to table the remaining review (pages 10 through 14) until the November Council meeting. Mayor Lowry closed the public hearing at 8:25 pm.

**PROPOSED RESOLUTION NO. 212 AUTHORIZING THE MAYOR TO EXECUTE FINDINGS IN THE KAY APPEAL:** Clerk-Treasurer Spens noted that she prepared these Findings of Fact under Town Attorney Stewart's direction and that he has reviewed and approved them for the Council's review and action. She explained that this resolution serves as a means of documenting that the Council, as a body, has reviewed these Findings of Fact for the Kays' appeal of the Board of Adjustment decision on their variance #04-1.

**MOTION:** Councilmember Robinson moved to adopt Resolution No. 212 authorizing the Mayor to execute Findings of Fact in the matter of the Kays' appeal of the Board of Adjustment's decision on their Request for Variance #04-1. Councilmember Sharp seconded. Vote: 2 For, 0 Against, 1 Abstain (Heckendorn). Motion carried.

Councilmember Sharp asked Mayor Lowry if the Board of Adjustment has guidelines for conducting their meetings when they hear variances. He explained that he thinks all discussions of technical matters, including design alternatives, should be conducted during the open public session when the applicants and others in attendance can address or rebut comments made about such matters.

**PUBLIC HEARING: PRELIMINARY 2005 BUDGET:** Mayor Lowry opened the public hearing at 8:50 pm and noted that Councilmember Rose sent a memo outlining his general recommendations for the 2005 budget and levy since he was unable to attend the meeting. He drew the Council's attention to Councilmember Rose's statement of the Council's goals for budgets in the last two years, namely:

- The year's ending balance should be approximately equal to 50% of the year's expenditures, and
- Annual revenues should be equal to annual expenditures (the budget is balanced).

Mayor Lowry commented that Councilmember Rose has concluded that the Council should authorize a 2005 property tax levy in the maximum amount allowed without a vote of the people and that by continuing to control our expenses, the Town probably will not have to seek a voted levy increase until 2006 or later.

It was the consensus of the Council that Clerk-Treasurer Spens should prepare the needed ordinance to set the 2005 levy at the maximum amount allowed without a vote and present it at the November Council meeting for passage during the second budget public hearing.

**PROPOSED RESOLUTION 213 – AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF LYNNWOOD and PROPOSED RESOLUTION 214 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL JOINT PURCHASING AGREEMENT WITH THE CITY OF BELLEVUE:** Clerk-Treasurer Spens commented that these resolutions are presented together

because they deal with similar ideas. She explained that the Cooperative Purchasing Agreement with the City of Lynnwood will give the Town access to Lynnwood's Small Works Roster at no cost to the Town while relieving us of the need to publish requests for vendors to join our list. She stated that this gains us access to a larger list of pre-qualified contractors and other vendors and it saves us the cost of advertising in the process. She noted that there are approx. forty cities, towns, water districts, etc. on the list of participants, including both Clyde Hill and Medina.

She then explained that the Interlocal Joint Purchasing Agreement came from the City of Bellevue based on discussions with one or two of the Points Communities Mayors and is offered to us in a gesture of goodwill. She noted that while it is not very likely that the Town will make use of this agreement, it seems polite to execute it, as it carries no costs.

MOTION: Councilmember Heckendorn moved to adopt Resolution No. 213 authorizing the Mayor to execute a Cooperative Purchasing Agreement with the City of Lynnwood. Councilmember Robinson seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Robinson suggested that the wording of the interlocal agreement with Bellevue be changed to recognize that the Town is also a political subdivision of the State of Washington rather than a public agency.

MOTION: Councilmember Heckendorn moved to adopt Resolution No. 214 authorizing the Mayor to execute an Interlocal Joint Purchasing Agreement with the City of Bellevue as amended. Councilmember Robinson seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED RESOLUTION NO. 215 FOR CONTRACT WITH THE McANDREWS GROUP FOR PROVIDING CODE SERVICES AGENCY, BUILDING OFFICIAL, ENGINEERING AND PLANNING SERVICES:** Clerk-Treasurer Spens reported that Joe Willis has revised this document as requested by the Council at the September Council meeting and that as before, the primary change is a 6% increase in the rates charged by McAndrews for services.

MOTION: Councilmember Sharp moved to adopt Resolution No. 215 authorizing the Mayor to execute a Contract for Providing Code Services Agency, Building Official, Engineering and Planning Services with The McAndrews Group. Councilmember Robinson seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

**PROPOSED EXTENSION OF THE FRANCHISE WITH COMCAST:** Clerk-Treasurer Spens explained that tonight's review of the draft ordinance to extend Comcast's franchise with the Town is a first reading and, thus, no action may be taken by the Council tonight. She asked if any members of the Council have concerns regarding Comcast's existing levels of service or other issues that they wish Comcast to address prior to bringing a final version of the extension ordinance forward for review and passage. It was the consensus of the Council that Clerk-Treasurer Spens prepare a final version of the ordinance to extend the Comcast franchise and present it at the November Council meeting for review and approval.

**PROPOSED AUTOMATIC RENEWAL OF CONTRACT WITH BELLEVUE FIRE**

**DEPARTMENT:** Clerk-Treasurer Spens explained that the Town's current contract with the Bellevue Fire Department includes a clause that allows for extension of the existing contract for an additional six years. She stated that Clyde Hill has already chosen to exercise this option, recognizing the amount of effort that went into analyzing and negotiating the last contract and that the other Points Communities, who were party to these negotiations, are poised to follow this month or next. She recommended that Beaux Arts also ask for the automatic extension in recognition of the exceptional service we receive from the Bellevue Fire Department.

**MOTION:** Councilmember Robinson moved to authorize the Mayor to inform Bellevue Fire Department in writing that we wish to exercise our option to extend the current contract with them until 2011. Councilmember Heckendorn seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

**MAYOR AND COUNCILMEMBER REPORTS:**

Mayor Lowry reported that the idea of a Quiet Pavement test on the East Channel Bridge is becoming quite popular with the other Points Communities, who are hopeful that the material will prove to be useful to them in reducing the noise of SR-520, particularly after it is expanded. He added that the Points Communities' Mayors group is drafting a letter to Maureen Sullivan of Sound Transit asking for quiet pavement trials on both the East Channel Bridge and SR-520. He commented that he also called Senator Patty Murray's office to pass on the suggestion as well.

Councilmember Sharp reported that he has received several complaints about the new street signs, i.e. that the house logo looks more like an arrow and seems to be confusing some visitors to the Town. He asked if we should approach the Bellevue Fire Department and the King County Sheriff's Office to have representatives from each of these emergency responders take a look and give their opinions of the new signs. Clerk-Treasurer Spens will contact both agencies and ask them to take a look and give an opinion.

Councilmember Sharp reported that several residents have asked what it would take to install a crosswalk on the 104<sup>th</sup>/105<sup>th</sup> arterial for the school children who cross that street during the morning when it can be busier than usual. He also asked about installing a new speed hump in the entrance to Town on SE 29<sup>th</sup> Street at about the Kennedy-Pratten property line. It was the consensus of the Council to add these items to the agenda for discussion during the November Council meeting.

Councilmember Sharp asked about the no-wake buoys that are sitting on the beach. Mayor Lowry answered that the buoys were hit and probably need some minor work before the King County Marine Patrol can replace them. Clerk-Treasurer Spens will contact Major Heath and ask him what they would like us to do to the buoys before someone from his department puts them back in service.

Councilmember Sharp reported that the "No Parking" sign on the BAV side of 108<sup>th</sup> needs to be put back up and that Bill Beck will take care of it in the next few days.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that their next meeting is scheduled for November 9th at Councilmember Rose's house.

**ADJOURN:** Councilmember Heckendorn moved to adjourn the meeting at 9:50 pm.  
Councilmember Robinson seconded.

Vote: 3 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer